REMARKS - TABLE OF CONTENTS

I. STATUS OF CLAIMS

Claims 1-44 are pending. "Claims 23-30, 32 and 36-44 are rejected under 35 USC 101 as claiming the same invention as that of claims 22-29, 33 and 35-43 of prior U.S. Patent No. 6,967,780. This is a double patenting rejection." *See Examiner's Office Action* p. 2 (28 June 2006). Claims 1, 31, 33, 34, and 35 "are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,967,780." *See Examiner's Office Action* p. 3 (28 June 2006). "Claims 1-22 are allowed." *See Examiner's Office Action* p. 4 (28 June 2006).

II. TERMINAL DISCLAIMER FILED HEREWITH; CLAIMS 1-22 ALLOWABLE

Responsive to Examiner, Applicant Entity (hereinafter "Applicant") is filing herewith a terminal disclaimer with respect to Independent Claim 1 and/or any other claims identified by Examiner as allowable subject to a terminal disclaimer to overcome indicated non-statutory double patenting. Insofar as that Examiner has stated "Claims 1-22 are allowed," *see Examiner's Office Action* p. 4 (28 June 2006), Applicant respectfully requests that Examiner issue a Notice of Allowance of Claims 1-22.

Applicant notes for the record that although Applicant is filing a terminal disclaimer herewith, Applicant expressly does NOT agree with Examiner regarding the rejection of "Claim 1 ... on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,967,780." The filing of such terminal disclaimer should not be taken as an admission of any sort nor should such filing be taken as acquiescence in Examiner's assertion regarding any "non-statutory obviousness-type double patenting." Applicant does believe the claims are patentable over Claim 1 of U.S. Patent No. 6,967,780, and is merely filing the Terminal Disclaimer to advance prosecution.

III. DOUBLE PATENTING REJECTION OF CLAIMS 23-30, 32, AND 36-44 HEREIN TRAVERSED AND SUCH CLAIMS SHOULD BE HELD ALLOWABLE

In the Office Action, Examiner stated "Claims 23-30, 32, and 36-44 are rejected under 35 USC 101 as claiming the same invention as that of claims 22-29, 33 and 35-43 of prior U.S. Patent No. 6,967,780. This is a double patenting rejection." *See Examiner's Office Action* p. 2 (28 June 2006).

A. Independent Claim 23 of Present Application and Independent Claim 22 of Prior U.S. Patent No. 6,967,780 Are Not Same Invention

Independent Claim 23 of Present Applicant and Independent Claim 22 of Prior U.S. Patent No. 6,967,780 recite "means for" language. The statute 35 U.S.C. § 112 ¶ 6 recites "An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof."

Applicant respectfully points out that the structure, material, and/or acts corresponding to Independent Claim 23 in the present application are different from the structure, material, and/or acts corresponding to Claim 22 in U.S. Patent No. 6,967,780. Accordingly, in light of the statute 35 U.S.C. § 112 ¶ 6 Independent Claim 23 of Present Applicant and Independent Claim 22 of prior U.S. Patent No. 6,967,780 are not the same invention. As non-exclusive/non-exhaustive examples of the foregoing, Applicant respectfully refers Examiner to the portion of Figure 4 from the instant application that shows moving the microlens array as a unit and to the portion of Figure 4 from prior U.S. Patent No. 6,967,780[1] that shows moving an individual lens of the microlens array. As Examiner can see by inspection, the referred-to portions of the two figures are different, and thus the invention of Independent Claim 23 in the present application is different from the invention of Independent Claim 22 of the prior U.S. Patent No. 6,967,780. Accordingly, Applicant respectfully requests that Examiner

[1] Applicant also points out that the flowchart, system, and/or textual disclosures of both the instant application and prior U.S. Patent No. 6,967,780 are different.

withdraw his 35 U.S.C. § 101-based rejection of Independent Claim 23, hold Independent Claim 23 allowable, and issue a Notice of Allowance on same.

B. Dependent Claims 24-30, 32, and 36-44 are not Same Invention as Dependent Claims 23-29, 33, and 35-43 of U.S. Patent No. 6,967,780

Claims 24-44 depend either directly or indirectly from herein-presented Independent Claim 23. "A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." *See* 35 U.S.C. § 112 paragraph 4. Consequently, "Claims 23-30, 32, and 36-44 "are ... [not] claiming the same invention as that of claims 22-29, 33 and 35-43 of prior U.S. Patent No. 6,967,780" for at least the reasons why Independent Claim 23 is not the same invention as Independent Claim 22 of prior U.S. Patent No. 6,967,780. Accordingly, Applicant respectfully requests that Examiner withdraw his 35 U.S.C. § 101-based rejections of Claims 24-30, 32, and 36-44, hold such claims allowable, and issue a Notice of Allowance on same.

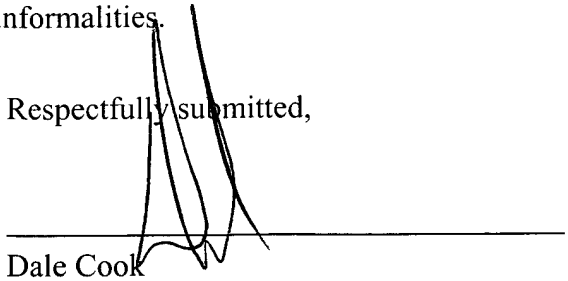
IV. SUMMARY AND/OR CONCLUSION

Applicant does not consider the art of record to render the pending claims unpatentable. Insofar as that the Applicant has herein argued the pending claims patentable, Applicant may not have herein explicitly addressed all the rejections and/or statements in Examiner's Office Action. The fact that the rejections and/or statements are not herein explicitly addressed should NOT be taken as an admission of any sort, and Applicant hereby reserves any and all rights to contest such rejections and/or statements at a later time. Specifically, no waiver (legal, factual, or otherwise), implicit or explicit, is hereby intended (e.g., with respect to those facts of which Examiner took Official Notice Applicant hereby contests those facts and requests express documentary proof of such facts at such time at which such facts may become relevant).

If the undersigned attorney has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found. Furthermore, although not expressly set forth herein, Applicant continues to assert all points of any previous Office Action, and no waiver (legal, factual, or otherwise), implicit or explicit, is hereby intended.

The Examiner is encouraged to contact the undersigned by telephone to discuss the above and any other distinctions between the claims and the applied references, if desired. If the Examiner notes any informalities in the claims, he is encouraged to contact the undersigned by telephone to expediently correct such informalities.

Respectfully submitted,



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